
By: **Delegates O'Donnell and McIntosh**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert and St. Mary's Counties - Shellfish - Harvesting by Wharf Owners**

3 FOR the purpose of increasing the area around certain wharves or other structures on
4 or about the waters in Calvert and St. Mary's counties in which the owner of the
5 wharf or structure has the exclusive right to grow and harvest shellfish;
6 prohibiting certain owners of a wharf or structure from infringing on certain
7 rights of certain property owners or from obstructing access to certain areas,
8 subject to certain penalties; and generally relating to oyster cultivation in
9 Calvert and St. Mary's counties.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-11A-16(b)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Natural Resources
17 Section 4-1201(a) through (c)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Natural Resources**

23 4-11A-16.

24 (b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE owner
25 of any wharf or other structure constructed on or about the water and approved by the
26 corps of engineers, shall have exclusive use, for the purpose of growing and harvesting
27 shellfish, of the area:

28 [(1)] (I) Below the owner's wharf or structure; [and]

1 [(2)] (II) In [Calvert, Howard, St. Mary's,] HOWARD and Talbot counties
2 only, within 5 feet of the owner's wharf or structure, oysters grown in trays, baskets,
3 or containers that are attached to a private pier or wharf by lines or ropes that are the
4 property of the owner of the pier or wharf; AND

5 (III) IN CALVERT AND ST. MARY'S COUNTIES ONLY, WITHIN 15 FEET
6 OF THE OWNER'S WHARF OR STRUCTURE, OYSTERS GROWN IN TRAYS, BASKETS, OR
7 CONTAINERS THAT ARE ATTACHED TO A PRIVATE PIER OR WHARF BY LINES OR
8 ROPES THAT ARE THE PROPERTY OF THE OWNER OF THE PIER OR WHARF.

9 (2) A PERSON WHO GROWS AND HARVESTS SHELLFISH IN CALVERT OR
10 ST. MARY'S COUNTY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT:

11 (I) INFRINGE ON THE RIPARIAN RIGHTS OF AN ADJACENT
12 PROPERTY OWNER; OR

13 (II) OBSTRUCT ACCESS TO A LEASED OYSTER BOTTOM OR NATURAL
14 OYSTER BAR.

15 4-1201.

16 (a) Except as otherwise specifically provided in this title, a person who
17 violates any provision of this title is guilty of a misdemeanor and, upon conviction, is
18 subject to a fine not exceeding \$500, with costs imposed in the discretion of the court.

19 (b) Unless another penalty is specifically provided elsewhere in this title, any
20 person found guilty of a second or subsequent violation of any provision of this title is
21 subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or
22 both, with costs imposed in the discretion of the court. For the purpose of this
23 subsection, a second or subsequent violation is one which has occurred within two
24 years of any prior violation of this title.

25 (c) In addition to any administrative penalty provided in this title, violation of
26 any rule or regulation adopted by any unit within the Department pursuant to the
27 provisions of this title is a misdemeanor and is punishable as provided in subsections
28 (a) and (b).

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2004.